

REMARKS

Claims 16, 18-23, 25-27, 29 and 30 are pending in this application. By way of this Amendment, independent claims 16 and 27 are amended. No new matter is added by this Amendment.

Examiner Interview

If, during further examination of the present application, a discussion with the Applicant's Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

Rejection of Claims 16, 18-22, 25-27, 29 and 30 under 35 U.S.C. § 103(a)

Claims 16, 18-22, 25-27, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buswell et al. in view of Lesieur et al.

This rejection is respectfully traversed.

Amendments to Independent Claims 16 and 27

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 16 has been amended herein to recite a combination of steps directed to a method of generating hydrogen for use in a fuel cell system, including *inter alia*

“wherein the hydrogen-containing stream is used for hydrodesulfurisation of a primary hydrocarbon fuel supplied to the fuel cell system, and wherein in the method the fuel that is essentially free of organic sulfur-containing compounds is not the same fuel as the primary hydrocarbon fuel”.

In addition, independent claim 27 has been amended herein to recite a combination of steps directed to a method of generating hydrogen for use in a fuel cell system, including *inter alia*

“wherein the hydrogen-containing stream is used for hydrodesulfurisation of a primary hydrocarbon fuel that is supplied to the fuel cell system and that is not the same as the fuel that is essentially free of organic sulfur-containing compounds, and

wherein the fuel cell system does not include means for hydrodesulfurisation of the fuel that is essentially free of organic sulfur-containing compounds”.

Independent Claim 16 has been amended to set forth that the fuel that is essentially free of organic sulfur-containing compounds (i.e. the fuel that is processed to produce a hydrogen-containing stream) is not the same as the primary hydrocarbon fuel that is hydrodesulfurised and supplied to the fuel cell system. The fact that the two fuels referred to in the claim are different is believed to be clear from the specification as a whole, and in particular, from the embodiment illustrated in FIG. 1. It will also be noted that a number of dependent claims identify the fuel which is processed as being a clean fuel or bio-fuel. One skilled in the art would understand that it is conventional to use primary hydrocarbon fuels as

the basic fuel for a fuel cell. Reference may also be had to the passage bridging pages 5 and 6 of the present specification where it is clear that a clean fuel is used to produce hydrogen for hydrodesulfurisation of a hydrocarbon fuel used as the primary fuel for the fuel cell.

The Examiner has noted that Buswell fails to teach that a recycled portion of hydrogen-containing stream (11) is generated from a fuel which is essentially free of organic sulfur-containing compounds wherein the fuel stream is processed without having been subjected to hydrodesulfurisation. The Examiner believes that Lesieur teaches this feature. In particular, the Examiner notes that Lesieur teaches an apparatus comprising a reformer (Figure 1, 16) downstream a desulfuriser (8) wherein a fuel line (6) and recycled hydrogen line (30) feed into said desulfuriser (8). It will be noted however that this embodiment of Lesieur involves production of hydrogen for recycle from the same type of primary fuel that it is intended to hydrodesulfurise. Thus, in the embodiment referred to by the Examiner, the fuel that is processed to produce hydrogen for hydrodesulfurisation is the same as the primary fuel to be supplied to the fuel cell.

In contrast, claims 16 and 27 of the present application make clear that the fuel that is processed in order to produce hydrogen for hydrodesulfurisation of primary hydrocarbon fuel is not the same as the primary hydrocarbon fuel. Thus, the present invention is believed to be suitably distinguished over the disclosures of Buswell and Lesieur.

At least for the reasons explained above, Applicant respectfully submits that the combination of steps set forth in each of independent claims 16 and 27 is not disclosed or made obvious by the prior art of record, including Buswell and Lesieur.

Therefore, independent claims 16 and 27 are in condition for allowance.

Dependent Claims

The Examiner's comments concerning claims 18-22, 25-27, 29 and 30 are noted. However, as claim 16 is believed to be allowable over the cited references, no particular comment is believed to be called for in relation to the dependent claims. It should not be taken however as any form of acknowledgement that the Examiner's comments concerning the dependent claims are accepted by Applicant.

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Buswell in view of Lesieur and further in view of Jeschke (DE 100 19 548). It is noted that this rejection is not applied against claim 16. As claim 16 is believed to be allowable, it is submitted that this rejection against claim 23 is rendered moot.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

The present application is in condition for allowance.

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Amendment dated July 1, 2008
Reply to Office Action dated November 16, 2007

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CONCLUSION

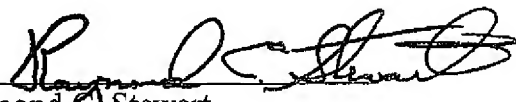
In view of the above, the application is believed to be in condition for allowance, and an early indication of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Carl T. Thomsen (Reg. No. 50,786) at 703-208-4030 (direct line), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Date: July 1, 2008

Respectfully submitted,

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